

NO. 24491

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

IN THE INTEREST OF JOHN DOE

Born on August 28, 1984

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-J NO. 24504)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

In accordance with Hawai'i Rules of Appellate Procedure (HRAP) Rule 35, and after carefully reviewing the record and the briefs submitted by the parties, duly considering and analyzing the law relevant to the arguments and issues raised by the parties, and having heard oral argument, we hold that the family court of the second circuit (the court)¹ did not err in adjudicating Minor-Appellant John Doe (Appellant) a law violator on two counts of criminal property damage in the second degree, Hawai'i Revised Statutes (HRS) § 708-821(1)(a) (Supp. 2001),² inasmuch as, contrary to Appellant's assertions, (1) "fire"

¹ The Honorable Douglas Sameshima presided over this matter.

² HRS § 708-821(1)(a) reads, "A person commits the offense of criminal property damage in the second degree if . . . [t]he person intentionally damages the property of another, without the other's consent, by the use of widely dangerous means[.]"

expressly falls within the definition of "widely dangerous means" as set forth in HRS § 708-800 (1993),³ (2) the reference to "any other material, substance, force or means capable of causing potential widespread injury or damage," in HRS § 708-800 refers to matters other than fire, and (3) Plaintiff-Appellee State of Hawai'i (the prosecution) was not required to prove that fire is "capable of causing potential widespread injury or damage," "fire" already having been designated as a "widely dangerous means" by which the offense is committed. HRS § 708-800.

Therefore,

IT IS HEREBY ORDERED that the court's April 26, 2001 decree adjudicating Appellant a law violator and its August 2, 2001 findings of fact, conclusions of law, and order denying Appellant's motion for reconsideration, from which the appeal is taken, are affirmed.

DATED: Honolulu, Hawai'i, September 16, 2002.

Keith E. Tanaka
for minor-appellant.

William A. Sloper,
Deputy Prosecuting Attorney,
County of Maui, for
plaintiff-appellee.

³ According to HRS § 708-800, "[w]idely dangerous means' includes explosion, fire, flood, avalanche, collapse of building, poison gas, radioactive material, or any other material, substance, force, or means capable of causing potential widespread injury or damage." (Emphasis added.)